

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c)) - SMALL BUSINESS CONCERN**

Applicant or Patentee: Garold M. Muth  
 Application or Patent No.: 09/370,530  
 Filed or Issued: August 6, 1999  
 Title: PUMP SYSTEMS AND METHODS

I hereby declare that I am:

- the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below.

Name of Small Business Concern: Muth Pump LLC  
 Address of Small Business Concern: 4609 New Horizon Blvd., Ste. 8  
Bakersfield, CA 93313

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled PUMP SYSTEMS AND METHODS by inventor(s) described in:

- the specification filed herewith;  
 Application No. 09/370,530, filed August 6, 1999;  
 Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern that would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

- Individual       Small Business Concern       Nonprofit Organization

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_

- Individual       Small Business Concern       Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Garold M. Muth  
 Title of Person if Other than Owner: \_\_\_\_\_  
 Address of Person Signing: 4609 New Horizon Blvd., Ste. 8  
Bakersfield, CA 93313

Signature Garold M. Muth Date 9-9-99

**POWER OF ATTORNEY BY ASSIGNEE**

Muth Pump LLC is the Assignee of the invention entitled: PUMP SYSTEMS AND METHODS, the specification of which \_\_\_\_\_ is attached hereto or X was filed on August 6, 1999 as Application Serial No. 09/370,530.

Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Lesley S. Craig, Reg. No. 26,578  
Darin J. Gibby, Reg. No. 38,464  
Chad S. Hilyard, Reg. No. 40,647  
Roger T. Barrett, Reg. No. 41,599  
William F. Vobach, Reg. No. 39,411  
Scott L. Ausenhus, Reg. No. 42,271  
Thomas D. Franklin, Reg. No. 43,616

Send Correspondence to:	Direct Telephone Calls to: (Name, reg. no., tele. no.)
Darin J. Gibby TOWNSEND and TOWNSEND and CREW LLP Two Embarcadero Center, 8th Floor San Francisco, CA 94111-3834	Darin J. Gibby Reg. No.: 38,464 303/571-4000

MUTH PUMP LLC

Date: 9-9-99

By: Garold M. Muth  
(Signature)

Name: Garold M. Muth  
Title: Owner

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Applicant: Garold M. Muth

Application No.: 09/370,530

Filed: August 6, 1999

For: PUMP SYSTEMS AND METHODS

Muth Pump LLC, a limited liability company

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

certifies that it is assignee of the patent application identified above by virtue of either:

- A.  An assignment from the inventor(s) of the patent application identified above for which a copy thereof is attached.

OR

- B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 9-9-99

Name: Garold M. Muth

Title: Owner

Signature: Garold M. Muth

## DECLARATION

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PUMP SYSTEMS AND METHODS** the specification of which \_\_\_\_\_ is attached hereto or \_\_\_\_\_ was filed on August 6, 1999 as Application No. 09/370,530 and was amended on \_\_\_\_\_ (if applicable).

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

**Prior Foreign Application(s)**

Country	Application No.	Date of Filing	Priority Claimed Under 35 USC 119

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

Application No.	Filing Date

I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application No.	Date of Filing	Status
08/899,785	July 24, 1997	now U.S. Patent No. 5,934,372
08/692,820,	July 29, 1996	now U.S. Patent No. 5,765,639
08/610,630	March 4, 1996	Abandoned
PCT/US95/13290	October 19, 1995	Pending
08/325,971	October 20, 1994	now U.S. Patent No. 5,505,258

Full Name of Inventor 1:	Last Name: <b>MUTH</b>	First Name: <b>GAROLD</b>	Middle Name or Initial: <b>M.</b>
Residence & Citizenship:	City: <b>Bakersfield</b>	State/Foreign Country: <b>California</b>	Country of Citizenship: <b>United States</b>
Post Office Address:	Post Office Address: <b>13905 Romero Avenue</b>	City: <b>Bakersfield</b>	State/Country: <b>California</b> Postal Code: <b>93312</b>

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature of Inventor 1



GAROLD M. MUTH

Date 9-9-99

DE 7002958 v1

ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, Garold M. Muth, of 4609 New Horizon Blvd., Ste. 8, Bakersfield, CA, 93313, Garold M. Muth, of 4609 New Horizon Blvd., Ste. 8, Bakersfield, CA, 93313, hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: PUMP SYSTEMS AND METHODS

Filing Date: August 6, 1999

Application No.: 09/370,530 ; and

WHEREAS, Muth Pump LLC, located at 4609 New Horizon Blvd., Ste. 8, Bakersfield, CA, 93313, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

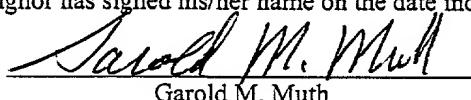
For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignor hereby authorizes and requests Townsend and Townsend and Crew LLP, Two Embarcadero Center, 8<sup>th</sup> Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: 9-9-99



Garold M. Muth

Garold M. Muth

STATE OF COLORADO )  
                       )  
COUNTY OF \_\_\_\_\_ )      ss.

Assignment

Attorney Docket No.: 16838-000320US

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On Sept. 9, 1999, before me, Brenda Amble, personally appeared Garold M. Muth, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Brenda Amble  
NOTARY PUBLIC

My Commission Expires: 3/6/2000

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